



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,817	09/23/2005	Stefan Jatzke	TRW(AEC)7821	1774
26294 7590 04/08/2008 TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P. 1300 EAST NINTH STREET, SUITE 1700 CLEVEVLAND, OH 44114				
EXAMINER				
SMALLEY, JAMES N				
ART UNIT		PAPER NUMBER		
3781				
MAIL DATE		DELIVERY MODE		
04/08/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/550,817

Applicant(s)

JATZKE ET AL.

Examiner

JAMES N. SMALLEY

Art Unit

3781

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/23/2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/86)
Paper No(s)/Mail Date 9/23/05: 6/5/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Response to Amendment

1. Claims 9 and 10 appear on the claim sheet presented on September 23, 2005, but do not appear canceled on the claims as presented by the Preliminary Amendment of the same date. This Examination is of claims 1-8 as presented, and claims 9 and 10 are assumed to be canceled.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Andrews US 4,363,420.

Andrews '420 teaches a plug comprising a central closure section (2), an engaging section (15), both formed of plastics, the plug is taught to be formed of "a suitable plastic material which would be of good impact strength and abrasion resistance" (column 4, lines 44-47), the engaging section/sealing plastic is formed of EVA or other materials which are taught to be "low softening" (column 4, lines 40-41) thus the engaging section is likely softer than the plug portion, a sealing lip (16) to form a latching connection with an edge of the hole, and a further sealing lip (10) which engages the opposite side edge of the hole.

Regarding claim 2, the reference teaches the sealant is "clamped between the edge portion 16 of the flange portion 3 and the neck surface 12 of each leg" (column 3, lines 35-37), which is read to be an interlocking fit.

Regarding claim 3, the reference teaches "The sealant body 15 may be adhered in place if desired during manufacture by a heat softening step at a relatively low temperature" (column 3, lines 37-41), which is read to be gluing since the sealant is its own glue.

Art Unit: 3781

Regarding claim 5, because the reference teaches the sealant may be a known resilient and elastic material such as EVA or soft polyethylene, that the closure section presses the engaging section/sealant (15) in a resilient and elastic fashion, such as in figure 3

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews US 4,363,420 as applied above under 35 U.S.C. 102(b) to claim 1, in view of Schmitz et al. US 4,588,105.

Andrews '420, as applied above, teaches all limitations substantially as claimed, but fails to teach the melt temperature of the sealant occurring between 150 and 200 degrees Celsius.

Schmitz '105 teaches a plug for an opening in an automobile panel, and discloses in column 4, line 18 that the melting can occur anywhere between 85 and 180 degrees Celsius. It would be desirable to use this material on the plug of Andres '420, which only teaches melting occurring between 100 and 135 degrees Celsius, in order to provide the manufacturer with a greater range of temperature operation.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the plug of Andrews '420, providing the sealant taught by Schmitz '105, motivated by the benefit of providing the manufacturer with a greater temperature range of operation. Furthermore, Examiner notes it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

6. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews US 4,363,420 as applied above under 35 U.S.C. 102(b) to claim 1, in view of Willibald EP 631,923.

Art Unit: 3781

Regarding claim 6, Andrews '420, as applied above, teaches all limitations substantially as claimed, but fails to teach the closure section being a hollow cylindrical shape.

Willibald '923 teaches a plug for an opening in a supporting panel of automobile body, comprising a core component (10) and a softer shell (20) which adhesively bonds to the supporting panel. The plug comprises a cylindrical section (1) in the embodiment of figure 1, which is shown to be an equivalent of the embodiments of figures 2 and 4, which closely resemble the plug of Andrews '420.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the closure cap of Andrews '420, forming the plug portion as a cylindrical body, as taught to be a known equivalent by Willibald '923, and motivated by the benefit of providing a more secure sealing of the hole than with the discontinuous segments taught by Andrews '420.

Furthermore, Andrews '420 further fails to teach the limitations of claims 7-8.

Willibald '923 teaches a recess on its outer surface (between 4 and 6) which inherently forms an interlocking fit about the entire circumference of the plug with the sealant, as the sealant coats the entire plug, and the engaging section/sealant having a first portion (6) on the outer surface of the cylinder and a section (4) reaching beyond the rim of the closure section. It would be desirable to apply the sealant of Andrews '420 as a coating of the entire plug in order to better secure it to the closure body before the melting operation.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the closure of Andres '420, providing the sealant as a coating, as taught by Willibald '923, motivated by the benefit of better securing the sealant to the closure plug before melting.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:
See attached PTO-892 citing relevant references.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES N. SMALLEY whose telephone number is (571)272-4547. The examiner can normally be reached on Monday - Friday 10 am - 7 pm.

Art Unit: 3781

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571) 272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James N Smalley/
Examiner, Art Unit 3781

/Anthony D Stashick/
Anthony Stashick
Supervisory Patent Examiner, Art Unit 3781